

# Senate File 338 - Introduced

SENATE FILE 338

BY BERTRAND

## A BILL FOR

1 An Act relating to school corporations by changing the date  
2 of the election of directors of local school districts,  
3 merged areas, and area education agency boards and including  
4 applicability and transition provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

ELECTION DAY FOR REGULAR SCHOOL ELECTIONS

Section 1. Section 39.2, subsection 4, paragraph c, Code 2017, is amended to read as follows:

c. For a school district or merged area, in the odd-numbered year, the first Tuesday in February, the first Tuesday in April, the last Tuesday in June, or the second Tuesday in September. For a school district or merged area, in the even-numbered year, the first Tuesday in February, the first Tuesday in April, the ~~second~~ first Tuesday after the first Monday in September November, or the first Tuesday in December.

Sec. 2. Section 49.30, Code 2017, is amended to read as follows:

**49.30 All candidates and issues on one ballot — exceptions.**

All constitutional amendments, all public measures, and the names of all candidates, other than presidential electors, to be voted for in each election precinct, shall be printed on one ballot, except that separate ballots are authorized when it is not possible to include all offices and public measures on a single ballot. In the event that it is not possible to include all offices and public measures on a single ballot, separate ballots may be provided for nonpartisan offices, judges, or public measures. For regular school elections, held on the same day as the general election, a separate ballot is required.

Sec. 3. Section 260C.12, subsection 1, Code 2017, is amended to read as follows:

1. The board of directors of the merged area shall organize at the first regular meeting in ~~October~~ December following the regular school election. Organization of the board shall be effected by the election of a president and other officers from the board membership as board members determine. The board of directors shall appoint a secretary and a treasurer who shall each give bond as prescribed in [section 291.2](#) and who shall each receive the salary determined by the board. The

1 secretary and treasurer shall perform duties under [chapter 291](#)  
2 and additional duties the board of directors deems necessary.  
3 However, the board may appoint one person to serve as the  
4 secretary and treasurer. If one person serves as the secretary  
5 and treasurer, only one bond is necessary for that person. The  
6 frequency of meetings other than organizational meetings shall  
7 be as determined by the board of directors but the president  
8 or a majority of the members may call a special meeting at any  
9 time.

10 Sec. 4. Section 260C.13, subsection 1, Code 2017, is amended  
11 to read as follows:

12 1. The board of a merged area may change the number of  
13 directors on the board and shall make corresponding changes  
14 in the boundaries of director districts. Changes shall be  
15 completed not later than ~~June~~ August 1 of the year of the  
16 regular school election. As soon as possible after adoption  
17 of the boundary changes, notice of changes in the director  
18 district boundaries shall be submitted by the merged area to  
19 the county commissioner of elections in all counties included  
20 in whole or in part in the merged area.

21 Sec. 5. Section 260C.15, subsection 1, Code 2017, is amended  
22 to read as follows:

23 1. Regular elections held by the merged area for the  
24 election of members of the board of directors as required by  
25 section 260C.11 or for any other matter authorized by law  
26 and designated for election by the board of directors of the  
27 merged area shall be held on the date of the school election  
28 as fixed by [section 277.1](#). However, elections held for the  
29 imposition, rate increase, or discontinuance of the twenty and  
30 one-fourth cents per thousand dollars of assessed valuation  
31 levy authorized in [section 260C.22](#) shall be held either on the  
32 date of the school election as fixed by [section 277.1](#) or at a  
33 special election held on the second Tuesday in September of the  
34 ~~even-numbered~~ odd-numbered year. The election notice shall be  
35 made a part of the local school election notice published as

1 provided in [section 49.53](#) in each local school district where  
2 voting is to occur in the merged area election and the election  
3 shall be conducted by the county commissioner of elections  
4 pursuant to [chapters 39 through 53](#) and [section 277.20](#).

5     Sec. 6. Section 260C.22, subsection 1, paragraph a, Code  
6 2017, is amended to read as follows:

7     a. In addition to the tax authorized under [section 260C.17](#)  
8 and upon resolution of the board of directors, the voters  
9 in a merged area may at the regular school election or at a  
10 special election held on the second Tuesday in September of the  
11 ~~even-numbered~~ odd-numbered year vote a tax not exceeding twenty  
12 and one-fourth cents per thousand dollars of assessed value  
13 in any one year for a period not to exceed ten years, unless  
14 otherwise provided under [subsection 2](#), for the purchase of  
15 grounds, construction of buildings, payment of debts contracted  
16 for the construction of buildings, purchase of buildings and  
17 equipment for buildings, and the acquisition of libraries,  
18 for the purpose of paying costs of utilities, and for the  
19 purpose of maintaining, remodeling, improving, or expanding  
20 the community college of the merged area. If the tax levy is  
21 approved under [this section](#), the costs of utilities shall be  
22 paid from the proceeds of the levy. The tax shall be collected  
23 by the county treasurers and remitted to the treasurer of the  
24 merged area as provided in [section 331.552, subsection 29](#).  
25 The proceeds of the tax shall be deposited in a separate and  
26 distinct fund to be known as the voted tax fund, to be paid  
27 out upon warrants drawn by the president and secretary of the  
28 board of directors of the merged area district for the payment  
29 of costs incurred in providing the school facilities for which  
30 the tax was authorized.

31     Sec. 7. Section 273.8, subsection 2, paragraphs a and b,  
32 Code 2017, are amended to read as follows:

33     a. Notice of the election shall be published by the area  
34 education agency administrator not later than ~~July~~ September  
35 15 of the ~~odd-numbered~~ even-numbered year in at least one

1 newspaper of general circulation in the director district. The  
2 cost of publication shall be paid by the area education agency.

3     **b.** A candidate for election to the area education agency  
4 board shall file a statement of candidacy with the area  
5 education agency secretary not later than ~~August~~ October 15 of  
6 the ~~odd-numbered~~ even-numbered year, on forms prescribed by  
7 the department of education. The statement of candidacy shall  
8 include the candidate's name, address, and school district.

9 The list of candidates shall be sent by the secretary of the  
10 area education agency in ballot form by certified mail to the  
11 presidents of the boards of directors of all school districts  
12 within the director district not later than ~~September~~ November

13 1. In order for the ballot to be counted, the ballot must be  
14 received in the secretary's office by the end of the normal  
15 business day on ~~September~~ November 30 or be clearly postmarked  
16 by an officially authorized postal service not later than  
17 ~~September~~ November 29 and received by the secretary not later  
18 than noon on the first Monday following ~~September~~ November 30.

19     Sec. 8. Section 273.8, subsection 4, paragraph a, Code 2017,  
20 is amended to read as follows:

21     **a.** The board of directors of each area education agency  
22 shall meet and organize at the first regular meeting in ~~October~~  
23 December following the regular school election at a suitable  
24 place designated by the president. Directors whose terms  
25 commence at the organizational meeting shall qualify by taking  
26 the oath of office required by [section 277.28](#) at or before the  
27 organizational meeting.

28     Sec. 9. Section 273.8, subsection 6, Code 2017, is amended  
29 to read as follows:

30     **6. Change in directors.** The board of an area education  
31 agency may change the number of directors on the board and  
32 shall make corresponding changes in the boundaries of director  
33 districts. Changes shall be completed not later than ~~July~~  
34 September 1 of a ~~fiscal~~ the even-numbered year for the director  
35 district conventions to be held the following ~~September~~

1 November.

2     Sec. 10. Section 277.1, Code 2017, is amended to read as  
3 follows:

4     **277.1 Regular election.**

5     The regular election shall be held biennially on the ~~second~~  
6 first Tuesday after the first Monday in September November of  
7 each ~~odd-numbered~~ even-numbered year in each school district  
8 for the election of officers of the district and merged area  
9 and for the purpose of submitting to the voters any matter  
10 authorized by law.

11     Sec. 11. Section 277.20, Code 2017, is amended to read as  
12 follows:

13     **277.20 Canvassing returns.**

14     1. ~~On the next Friday after~~ After the regular school  
15 election, the county board of supervisors shall canvass the  
16 returns made to the county commissioner of elections from  
17 the several precinct polling places and the absentee ballot  
18 counting board, ascertain the result of the voting with regard  
19 to every matter voted upon and cause a record to be made  
20 thereof, all as required by [section 50.24](#). Special elections  
21 held in school districts shall be canvassed at the time and in  
22 the manner required by that section. The board shall declare  
23 the results of the voting for members of boards of directors of  
24 school corporations nominated pursuant to [section 277.4](#), and  
25 the commissioner shall at once issue a certificate of election  
26 to each person declared elected. The board shall also declare  
27 the results of the voting on any public question submitted to  
28 the voters of a single school district, and the commissioner  
29 shall certify the result as required by [section 50.27](#).

30     2. The abstracts of the votes cast for members of the board  
31 of directors of any merged area, and of the votes cast on any  
32 public question submitted to the voters of any merged area,  
33 shall be promptly certified by the commissioner to the county  
34 commissioner of elections who is responsible under [section 47.2](#)  
35 for conducting the elections held for that merged area.

1     Sec. 12.   APPLICABILITY.

2     1.   This division of this Act applies to regular school  
3 elections held on or after November 3, 2020, and to the terms  
4 of office of directors of local school districts, merged areas,  
5 and area education agencies commencing on or after that date.  
6 Under this division of this Act, no regular school election  
7 shall be held in November 2018.

8     2.   Under this division of this Act, the regular local school  
9 district, merged area, and area education agency elections  
10 previously scheduled to be held in September 2019 shall be held  
11 in November 2020, and all such elections previously scheduled  
12 to be held in September 2021 shall be held in November 2022.

13                     DIVISION II

14                     TRANSITION PROVISIONS

15     Sec. 13.   TERM OF OFFICE — TRANSITION PROVISIONS.

16     1.   Notwithstanding the provisions of section 260C.11  
17 designating a term of four years for members of a board of  
18 directors of a merged area, the term of office for a seat on a  
19 board of directors filled at the regular school election held  
20 on:

21         a.   September 8, 2015, shall expire November 3, 2020.

22         b.   September 12, 2017, shall expire November 8, 2022.

23     2.   Notwithstanding the provisions of section 273.8,  
24 subsection 1, designating a term of four years for members of  
25 a board of directors of an area education agency, the term of  
26 office for a seat on a board of directors filled by election  
27 in:

28         a.   September 2015 shall expire November 30, 2020.

29         b.   September 2017 shall expire November 30, 2022.

30     3.   Notwithstanding the provisions of section 274.7  
31 designating a term of four years for members of a board of  
32 directors of a school district, the term of office for a seat  
33 on a board of directors filled at the regular school election  
34 held on:

35         a.   September 8, 2015, shall expire November 3, 2020.

